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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/622,034	.07/16/2003	Wipul Jayasekara	SJO920000096US5	2253
7590 12/01/2004			EXAMINER	
Ron Feece INTERNATIONAL BUSINESS MACHINES CORPORATION Dept. L2PA 5600 Cottle Road San Jose, CA 95193			RENNER, CRAIG A	
			ART UNIT	PAPER NUMBER
			2652	

DATE MAILED: 12/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/622,034

Applicant(s)

JAYASEKARA, WIPUL

Examiner

Craig A. Renner

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1, 10, 11 and 20-24 is/are pending in the application.
- 4a) Of the above claim(s) 1, 10, 11 and 20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 21-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Election/Restrictions*

1. Applicant's election without traverse of "species VII (Fig. 7)", upon which "claims 1 and 10" are identified, in the reply filed on 08 October 2004 is acknowledged. Claims 1 and 10, however, do not read on elected species VII as this species does not include "a free layer of FM material spanning the active region and extending beyond each of the two opposite sides thereof" (emphasis added). Claims 21-24, however, do not include this limitation and are seen to read upon the elected species. Accordingly, claims 1, 10-11 and 20 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to one or more non-elected species/inventions, there being no allowable generic or linking claim.

### *Drawings*

2. The drawings are objected to because of the following informalities:

a. The drawings fail to comply with 37 CFR 1.84(p)(5) because they include one or more reference signs not mentioned in the description. Note, for instance, "AF" (shown in FIG. 1A, for instance), "PL" (shown in FIGS. 1A, 2A, 2B, 3A, 3B, 4A, 4B, and 7, for instance), "FL" (shown in FIGS. 1A, 2A, 2B, 3A, 3B, 4A, 4B, and 7, for instance), "H.B." (shown in FIG. 1B, for instance) and "TB" (shown in FIG. 8, for instance).

b. The drawings also fail to comply with 37 CFR 1.84(p)(5) because they do not include one or more reference signs mentioned in the description. Note, for instance, "28" (disclosed as a "second lead (L2) layer" in line 9 on page 5, for instance).

Corrected drawing sheets in compliance with 37 CFR 1.121(d) and/or an amendment to the specification in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

3. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

4. The disclosure is objected to because of the following informality:

In lines 16 and 17 on page 13, each instance of "second AFM layer 172" should be changed to --second AFM layer 173—in order to be consistent with the remainder of the disclosure. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 21-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Aoshima et al. (US 6,556,391).

Aoshima teaches in a magnetic read head (10) having an air bearing surface (shown facing out of page in FIG. 3, for instance), a magnetic tunnel junction sensor (15) for connection to sense circuitry for detecting changes in electrical resistance within the sensor, the sensor comprising a magnetic tunnel junction stack (lines 16-22 in column 4, for instance) with an active region disposed at the air bearing surface and having two opposite sides (15B and 15C) each disposed generally orthogonally to the air bearing surface, the magnetic tunnel junction stack comprising an antiferromagnetic layer (lines 19-20 in column 4, for instance, i.e., "PdPtMn (20)") spanning the active region, a pinned layer of ferromagnetic material (line 20 in column 4, for instance, i.e., "Co (2)") in contact with the antiferromagnetic layer, a free layer of ferromagnetic material (line 20 in column 4, for instance, i.e., "Co (1)/NiFe (2)") spanning the active region, and a tunnel junction layer of electrically nonconductive material (line 20 in

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column 4, for instance, i.e., "Al<sub>2</sub>O<sub>3</sub> (5)") disposed between the pinned layer and the free layer in the active region; and a nonconductive longitudinal bias layer (18A and/or 18B, line 64 in column 4 through line 3 in column 5, for instance, i.e., "barium ferrite") formed outside of the active region and in abutting contact with the two opposite sides of the active region (as shown in FIG. 3, for instance) for biasing the magnetic moment of the free layer in substantially a predetermined direction in the absence of an external magnetic field [as per claim 21]; wherein the nonconductive longitudinal bias layer comprises a hard magnetic material (line 64 in column 4 through line 3 in column 5, for instance, i.e., "barium ferrite") [as per claim 22]; wherein the magnetic read head is a component of a direct access storage device (50) comprising a magnetic recording disk (51) having at least one surface for storing magnetically recorded data; the magnetic read head (part of 30) has the air bearing surface thereof disposed for reading the data from the magnetic recording disk surface; an actuator (includes 70) for moving the magnetic read head across the magnetic recording disk surface to access the data stored thereon; and a data channel (shown in FIG. 6, for instance) having sense circuitry coupled electrically to the magnetic tunnel junction sensor for detecting changes in resistance of the magnetic tunnel junction sensor caused by rotation of the magnetic moment of the free ferromagnetic layer relative to the fixed magnetic moment of the pinned layer responsive to magnetic fields representing the data stored on the magnetic recording disk surface (line 66 in column 6 through line 2 in column 7, for instance) [as per claims 23-24].

***Pertinent Prior Art***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. This includes Aoshima et al. (US 6,249,407), Hayashi et al. (US 6,542,342), Aoshima et al. (US 2001/0014001), Miyauchi et al. (US 2001/0021089), and Carey et al. (US 2002/0154456), which each individually teaches a tunnel junction magnetoresistive sensor having a nonconductive hard magnetic longitudinal bias layer formed in abutting contact with an active region of the sensor; Fullerton et al. (US 6,650,613), which teaches a tunnel junction magnetoresistive sensor having a nonconductive longitudinal bias layer formed in abutting contact with an active region of the sensor; and Gill (US 6,661,626), which teaches a tunnel junction magnetoresistive sensor having a hard magnetic longitudinal bias layer formed in abutting contact with an active region of the sensor.

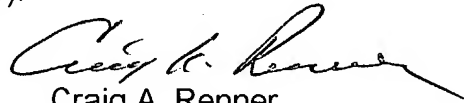
***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Craig A. Renner whose telephone number is (703) 308-0559. The examiner can normally be reached on Tuesday-Friday 7:30 AM - 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa T. Nguyen can be reached on (703) 305-9687. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Craig A. Renner  
Primary Examiner  
Art Unit 2652

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